—themselves the beginning, after them the Romans continued them, till they were lost in the changes of the world,—and when, at the end of the long interregnum, Rome was resuscitated again, it was only ultimately to introduce the master Greece, to be a renovator of the world once more, and to claim the fatherhood of a steady progress to this day,—a proud position to the Greeks. This in all science and letters; but in our peculiar art specially the narrative is just the same, and the same proud position of the Greeks obtains the same acknowledgment.

Of the rise of the dogmatic reverence for Greek models, and its influence and merits, I come to speak in the next. The task which I set myself in this I hope I have accomplished. We rightly blame the Greek worshipper for credulity, and his dogmatic faith in its enthusiasm we rightly smile at, as the weakness of a simple man; but we must award to the Greeks a rank, whose foremost eminence I have endeavoured without qualification to glorify, and to their architecture a merit too great to be readily judged. Robert Kerr.

HAVE THE REFEREES POWER TO DETERMINE THE LINE OF FRONTS?

The mention made by us in the week before last, of the difference of opinion existing between the official referees and the registrar, in respect of the power of the former to determine the line of fronts, having interested a number of our readers, and being important to many more, we will give the particulars of a case in the settlement of which the question seems likely to be determined.

A building owner, Mr. Harvey, had commenced the erection of a detached house in the Lewisham-road far before the fronts of the adjoining houses on one side, on a line laid down by the district surveyor, who had been previously employed by the owner to make a plan of the land for building purposes.

The owners of the house next adjoining, thus materially injured, laid an information through their architect before the referees; meetings were held, at which all the parties attended; it was evident that in laying down the line the houses on both sides had not been considered; and the referees (Messrs. Hosking and Shaw), made an award, the effect of which would be to put back the house in question very materially, and slightly lessen the injury to the adjoining owners, and to the appearance of the neighbourhood.* The registrar, however, thought it his duty to withhold the seal of office, on grounds which will appear, and to refer the matter to the Commissioners of Works; but, before doing so, he gave the parties an opportunity to shew cause to the contrary. The parties, therefore, again met, and the adjoining-owner's architect put in a reply to the registrar's objection, in the shape of a letter to the Commissioners of Works, which, as it states the whole case, and is our view of the question, we give entire:—

"Godwin and Hervey."—Metropolitan Buildings Act.

The referees have determined and awarded that a building projected and built upon the site whereon a house is now being raised by Mr. Harvey, "in so far as it would stand before the general line of the fronts of the houses, would be injurious to" the owners of the adjoining house, for whom I act; and they have laid down "the general line of the fronts of the houses," and have determined "that it will be *contrary to the said Act* to erect the proposed building, or to make any other projection beyond or eastward of such line, except only such projections as are by the said Act expressly allowed, under certain conditions, to project beyond the general line of fronts in any street or alley."

The registrar asserts that they have exceeded their competence, and refuses to affix the seal of office, on the grounds that "the building in question being a separate and detached dwelling-house is not a projection within the meaning of the Metropolitan Buildings Act, and that there is no rule in the Act which prohibits the erection of such a building in the circumstances in question."

In opposition to this view, from which I wholly differ, I would advance that their competence to determine the line of front, and award against the projection of a building before that line, has been admitted by the registrar on many previous occasions.

Amongst others,—In the case of l'Anson and Pearce (No. 587), an award to prevent the erection of a shop in a forecourt beyond the general line of fronts was sealed June, 1847.

In the case of Hill and Brown, an award (No. 617), declaring that it would be contrary to the Act to build the front wall of three houses beyond the general line of fronts, was sealed September, 1847.

In the case of Barnett on the part of King, (No. 545), April, 1847, a building in a forecourt was not allowed.

In the case of Pelling and Edwards (No. 628), an award to the same effect was sealed, September, 1847.

In the case of Harrild and Garrett (No. 641), an award was sealed September, 1847, declaring five houses, which were built before the general line of fronts, contrary to the Act. And

In the case of Bell on the part of G. Smith (No. 644), it was determined that it would be illegal to bring forward the front of the house beyond what the referees determined to be the general line of fronts. In this latter case the builder's surveyor contended (as the registrar is now doing), that "there is no rule in the Act which prohibits the erection of houses or rows of houses beyond the general line of fronts, and that the rule applies only to projections from walls," yet an award in contravention to this doctrine was sealed. Nor would it be any explanation to say that in that instance the house formed part of a row, while in the present case the house is detached,—since the Act *nowhere recognizes a distinction in this respect.*

The second clause of schedule E, headed, "Projections from face-walls" (which schedule contains the rules relating to projections), provides that cornices, pilasters, and other *architectural decorations forming part of an external wall* (if of proper materials), *may* project before the general line of fronts; in opposition, of course, to those things which, not being named, may *not* stand forward.* Further, that balconies, verandahs, porches, shop-fronts, and "all other projections from external walls, *not forming part thereof*, may stand beyond the general line of fronts, *if*, observe, *if* they are built so as not "to obstruct the light and air or be otherwise injurious to the owners or occupiers of the buildings adjoining thereto on any side thereof." External walls themselves, or *any parts thereof*, it is clear, may *not* stand forward, *even though they could be so built without the injury aforesaid to adjoining owners.* The projections from external walls, not forming part of such walls, *may* project under conditions,—the external walls themselves may not.

The correctness of this reading is confirmed by the fourth clause of the schedule, headed, "*Projected buildings beyond the general line of buildings and from other external walls:*" for this provides that: "bow-windows, or other projections of any kind" which (it is evidently and reasonably intended to be understood) *do* form part of an external wall (unless this were the meaning it would contradict what went before) "must neither be built with, nor be added to, any building on any face of an external wall thereof, so as to extend beyond the general line of the fronts of the houses."

This clause relates to buildings already built or hereafter to be rebuilt, because in fact it is only required for such cases; the second clause, already quoted, being operative to *precisely the same effect with regard to buildings hereafter to be built.*

"If this were not so, however, section 8 of the Act expressly enacts, that buildings hereafter to be built shall be built in reference, amongst other things, to the *projections*, according to all the directions specified and set forth in schedule E, so that, if it were necessary, the 4th clause in the schedule, headed "Projected Buildings," would seem to apply as well to buildings about to be built as to those already built. As I said before, however, the 2nd clause governs satisfactorily without it.

To prove the objection sound which has been advanced, to the competence of the official referees in the present case, would be to convict the Act of absurdity, since it would assert that though the referees have power to prevent an owner from putting out a balcony, or verandah, or other projection, beyond the general line of fronts, not being part of an external wall, if it obstruct the light and air of his neighbour,—although they are bound to prevent the construction of a bow or any other projection beyond the general line of fronts, which *does form part of an* external wall (except certain specified architectural decorations), *even if innocious and assented to by the adjoining owners*, nay, may even prevent its construction *within* the line of fronts, if it "obstruct the light and air, or be otherwise injurious to the owners or occupiers of the buildings adjoining thereto,"—

Yet, that they have not power to prevent that owner from building the external wall of his house forward to any extent, limited only by the extent of his ground, though it obstruct the light and air and be not simply injurious to but utterly destructive of the adjoining property!!

The Act, however, is not guilty of any such nonsense. Even if the provisions of the schedule were less clear than they are, I would urge that the referees have power to decide as to their effect, and as to the mode in which the provisions are to be carried out, a power expressly given to them by the 82nd section of the Act.

I respectfully repeat, however, that the meaning of the Act in the present case, when attentively considered, is so clear as to offer no difficulty, and that the referees are not merely competent, but *bound* to prevent the erection of the building in question beyond the general line of the fronts of existing buildings.

George Godwin, Jun., Architect.

Alexander-square, Brompton,
Feb. 11, 1848.

The registrar was not convinced, and has forwarded the award, the foregoing reply to his objection, and the following comments upon it, to the Commissioners of Woods:—

"According to an arrangement made with the parties during the progress of this proceeding, the registrar gave them an opportunity to shew cause why he should affix the seal; at which hearing Mr. Godwin stated that he did not rely [wholly] upon the rule under the fourth head of schedule E, to which he had adverted in the earlier proceedings; but upon the three preceding rules [the second clause only] together with that rule, and also upon the precedent cases. And he read a memorandum, of which a copy is sent herewith, setting forth those cases, and the argument upon which he relied. With respect to the cases so cited, the registrar explained, that with the exception of that of Harrild v. Garrett, the circumstances were not the same; and with respect to the argument deduced from the express application of the rules to smaller things, namely, copings, &c., balconies, &c., bow windows, &c., that such rules must be held to apply to larger matters, as entire buildings; the registrar explained to Mr. Godwin, that such an interpretation would be contrary to the well established rule by which statutes are interpreted, namely, that where lesser things are mentioned, as for instance, a parson, the law will not be held to apply to higher things, as for instance a bishop or archbishop; and the registrar expressed his regret, that this being a matter of legal construction, Mr. Godwin had not obtained the assistance of some competent legal adviser, which he had particularly recommended on former occasions, on account of the same question having been raised in the case of Harrild and Garrett. The registrar explained, that whatever might be the practical consequence of so construing the law, it was his duty to act upon well-established principles, and to refer the matter to the Commissioners of Woods, to whom the legislature had assigned the duty of giving him such directions as the case admitted of.

The registrar pointed out the case of 'Hudson and Aitchison,' in which Mr. Hosking had with his assent awarded, that 'inasmuch as the proposed erection is an entire building, and not a projection from any external wall of any building, it would not be contrary to the Act to erect the proposed house;' and informed Mr. Godwin, that the subject having been brought before the Commissioners of Woods with reference to the case of Harrild and Garrett, they had determined that the registrar had taken a correct view.

With reference to the application of the law to some of the cases mentioned, the registrar stated that the whole subject having been latterly thoroughly considered, he thought it might very properly be urged, that some of the earlier awards had been founded upon a strained interpretation of the Act. That where buildings form part of the same row, the law had been construed unfavourably to any projection, but that where they were independent buildings, the rule had been held not to apply, until the case of Harrild and Garrett; and in that case the award was sealed inadvertently from the circumstance that the counsel and agents for the parties merely appealed from the decision of the district surveyor, assuming that he had jurisdiction upon which assumption all the parties proceeded in the argument. That upon drawing up the certificate of irregularity upon which the magistrate is to proceed in enforcing the award, the error was discovered, and the registrar immediately advised the official referees not to grant the same.

The registrar urged Mr. Godwin to submit the matter to some counsel to draw a certificate, which he might tender to the official referees if he should be so advised. The preparation of such a certificate would practically test the validity of the position for which Mr. Godwin contended.

Mr. Godwin considered that the matter was so clear on the principles of common sense, that he did not feel that it was requisite to take this course.

With reference to the latter part of this memorandum, in which Mr. Godwin states, 'Even if the provisions of the schedule were less clear than they

* With the propriety or otherwise of this line we have not now to do; the question with us is simply their right to lay down a line.

* It would of course be unnecessary to say that pilasters and other architectural decorations "*may* project beyond the general line of fronts in any street," if there was nothing to prevent the whole front being brought forward.

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